

AMENDMENTS TO THE CLAIMS:

This following listing of claims replaces all prior listings, and all prior versions, of claims in the application.

Listing of Claims:

Claims 1-12 (cancelled).

13. (Currently Amended) A non-aqueous secondary battery comprising:
a positive electrode,
a negative electrode, and
electrolytic solution, wherein
said negative electrode comprises graphite powder having a crystal structure,
and wherein a rhombohedral fraction, of the crystal structure of the graphite powder,
is in a range of 0-20 % by weight, and a particle size of the graphite powder is equal
to or smaller than 100 μm .

14. (Currently Amended) A non-aqueous secondary battery comprising:
a positive electrode,
a negative electrode, and
electrolytic solution, wherein
said negative electrode comprises graphite powder having a crystal structure,
and wherein a hexagonal fraction, of the crystal structure of the graphite powder, is
in a range of at least 80% by weight, and a particle size of the graphite powder is
equal to or smaller than 100 μm .

15. (Currently Amended) Electrodes for a non-aqueous secondary battery, comprising:

a positive electrode, and
a negative electrode,
said positive electrode or said negative electrode intercalating and deintercalating ions, wherein

said negative electrode comprises graphite powder having a crystal structure, the crystal structure including a hexagonal crystal structure fraction and a rhombohedral crystal structure fraction, and a particle size of the graphite powder is equal to or smaller than 100 µm, as an active material, and
an existing ratio of the hexagonal crystal structure fraction in the crystal structure of said graphite powder is at least 80% by weight.

16. (Cancelled)

17. (Currently Amended) Electrodes for a non-aqueous secondary battery, comprising:

a positive electrode, and
a negative electrode,
said positive electrode or said negative electrode intercalating and deintercalating ions, wherein
an active material of said negative electrode is carbon material,
said carbon material is composed of graphite crystal powder having crystal structure,
said graphite crystal powder has a particle size equal to or smaller than

100 μm , and

~~an existing ratio of a fraction of a hexagonal crystal structure in the crystal structure of said graphite crystal powder is at least 80% by weight.~~

18. (Currently Amended) Electrodes for a non-aqueous secondary battery, comprising:

a positive electrode, and

a negative electrode,

said positive electrode or said negative electrode intercalating and deintercalating ions, wherein

an active material of said negative electrode is carbon material,

said carbon material is composed of natural graphite crystal powder having a crystal structure and having a particle size equal or smaller than 100 μm , and

an existing ratio-fraction of a hexagonal crystal structure in the crystal structure of said natural graphite crystal powder is at least 80% by weight.

19. (Currently Amended) Electrodes for a non-aqueous secondary battery, comprising:

a positive electrode, and

a negative electrode,

said positive electrode or said negative electrode intercalating and deintercalating ions, wherein

said negative electrode comprises carbon material as an active material,

said carbon material is composed of graphite crystal powder having a crystal structure,

said graphite crystal powder has a particle size equal to or smaller than 100 μm ,

an existing ratio-fraction of hexagonal crystal structure in the crystal structure of said graphite crystal powder is at least 80% by weight, and

said graphite crystal powder has a deintercalating capacity for lithium of at least 320 mAh/g.

20. (Currently Amended) A non-aqueous secondary battery comprising:
a positive electrode,
a negative electrode, and
electrolytic solution, which is charged or discharged by repeating a reaction of intercalating and deintercalating ions at said positive electrode and said negative electrode, respectively, wherein
powder

said negative electrode comprises graphite powder having a crystal structure, wherein a fraction of a rhombohedral crystal structure of the crystal structure of the graphite powder is equal to or less than 20% by weight and a particle size of the graphite powder is equal to or smaller than 100 μm .

21. (Currently Amended) A non-aqueous secondary battery as claimed in claim 20, wherein

said graphite powder has a fraction of a hexagonal crystal structure of the crystal structure of the graphite powder which is equal to or more than 80% by weight.

Claims 22-23 (Cancelled).

24. (Currently Amended) A non-aqueous secondary battery comprising:
a positive electrode,
a negative electrode, and
electrolytic solution, which is charged or discharged by repeating a reaction of
intercalating and deintercalating ions at said positive electrode and said negative
electrode, respectively, wherein
said negative electrode comprises graphite powder having a particle size
equal to or smaller than 100 μm ,
said graphite powder has a crystal structure which includes both a hexagonal
crystal structure and a rhombohedral crystal structure, and
the crystal structure of said graphite powder has a fraction of the
rhombohedral crystal structure equal to or less than 20% by weight, and a fraction of
the hexagonal crystal structure equal to or more than 80% by weight.

Claims 25.-31. (Cancelled).

32. (Currently Amended) A non-aqueous secondary battery as claimed in
claim 13, wherein the crystal structure of said graphite powder includes at least a
fraction having hexagonal crystal structure.

33. (Currently Amended) A non-aqueous secondary battery as claimed in
claim 20, wherein the crystal structure of said graphite powder includes at least a
fraction having hexagonal crystal structure.

34. (new) A non-aqueous secondary battery according to claim 13, wherein the graphite powder has substantially completely the crystal structure.

35. (new) A non-aqueous secondary battery according to claim 14, wherein the graphite powder has substantially completely the crystal structure.

36. (new) Electrodes according to claim 17, wherein the graphite powder has substantially completely the crystal structure.

37. (new) A non-aqueous secondary battery according to claim 20, wherein the graphite powder has substantially completely the crystal structure.

38. (new) A non-aqueous secondary battery according to claim 24, wherein the graphite powder has substantially completely the crystal structure.